

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

R.J. REYNOLDS TOBACCO COMPANY, *et al.*,

Plaintiffs,

v.

UNITED STATES FOOD AND DRUG
ADMINISTRATION, *et al.*,

Defendants.

Civil Action No. 6:20-cv-00176

NOTICE OF APPEAL

Defendants hereby appeal to the United States Court of Appeals for the Fifth Circuit from (1) the Court's opinion, order, and final judgment issued December 7, 2022 (ECF Nos. 106, 107), denying Defendants' motions to dismiss and for summary judgment, and granting Plaintiffs' motion for summary judgment; and (2) all previous rulings in this action.

Dated: February 1, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

BRIT FEATHERSTON
United States Attorney

ERIC B. BECKENHAUER
Assistant Branch Director

/s/ Stephen M. Pezzi
STEPHEN M. PEZZI (D.C. 995500)
Senior Counsel
GARRETT COYLE (California 308177)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
Tel: (202) 305-8576
Fax: (202) 616-8470
Email: stephen.pezzi@usdoj.gov